

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA

Plaintiff,

v.

HERBERT JO BILL, JR.,

Defendant.

Case No. CR07-00225 MJP

ORDER DIRECTING
ATTORNEY GENERAL TO
RETAIN CUSTODY OF
DEFENDANT FOR AN
ADDITIONAL THIRTY DAYS

This Court has previously found that Defendant is suffering from a mental disease or defect rendering him incompetent to stand trial. (Dkt. No. 28.) The Court has also found that there is no substantial probability that Defendant will attain the capacity to participate in trial proceedings in the foreseeable future. (Dkt. No. 35.) The Court entered this finding upon the expiration of Mr. Bill's four-month period of hospitalization, in the custody of the Attorney General, as required by 18 U.S.C. § 4241(d)(1). The original indictment in this action stands and no charges have been dismissed. (See Dkt. No. 19.) Because of the pending charges, Mr. Bill is not yet subject to 18 U.S.C. §§ 4246 and 4248.

After the initial four-month period, §4241(d)(2)(B) authorizes the Court to direct continued retention of Mr. Bill by the Attorney General for "an additional reasonable period of time until ... the pending charges against him are disposed of." 4241(d)(2)(B). The Court finds that the Attorney General should retain custody of Mr. Bill for an additional thirty days, for the purpose of determining: (1) whether release of the defendant creates a substantial risk of injury to people or property; and (2) whether arrangements for state custody and care of the defendant are available. During this time, Mr. Bill will be evaluated at the Federal Medical Center at Butner,

1 North Carolina and the director of the facility shall submit a certificate on his findings in accord
2 with 18 U.S.C. § 4246.

3 The Court therefore ORDERS that Defendant be placed in the custody of the Attorney
4 General for a period not to exceed thirty days.

5 The Clerk is directed to send a copy of this order to all counsel of record.

6 Dated: July 10, 2008.

7 
8

9 Marsha J. Pechman

10 U.S. District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27